

# EXHIBIT C

**IN THE PRESIDENTIAL ELECTION PETITION COURT**  
**ABUJA JUDICIAL DIVISION**  
**HOLDEN AT ABUJA**  
**ON FRIDAY THE 23<sup>RD</sup> DAY OF JUNE, 2023**  
**BEFORE THEIR LORDSHIPS**

**HON. JUSTICE H. S. TSAMMANI**  
**HON. JUSTICE S. J. ADAH**  
**HON. JUSTICE M. O. BOLAJI-YUSUFF**  
**HON. JUSTICE B. M. UGO**  
**HON. JUSTICE A. B. MOHAMMED**

**CHAIRMAN**  
**MEMBER 1**  
**MEMBER 2**  
**MEMBER 3**  
**MEMBER 4**

**CA/PEPC/05/2023**

**BETWEEN**

**ABUBAKAR ATIKU & ANOR**

**AND**

**IND. NATIONAL ELECTORAL COMMISSION & 2 ORS.**

Ikechukwu Osuoha; Esq (Deputy National Legal Adviser) represents the 2<sup>nd</sup> Petitioner.

Chris Maigida; Esq (Deputy Director, Legal Services) represents the 3<sup>rd</sup> Respondent.

Chief Chris Uche; SAN, Eyitayo Jegede; SAN, Nella Andem-Ewa Rabana; SAN, Joe Abrahams; SAN, Emeka Etiaba; SAN, Prof. Maxwell M. Gidado; SAN, Paul Harris Ogbale; SAN and Andrew M. Malgwi; SAN with Ahmed T. Uwais; Esq, Jude A. Daniel; Esq and Joshua H. Barka; Esq for the Petitioners.

A.B. Mahmoud; SAN, Dr. Kemi Pinheiro; SAN, Miannaya Essien; SAN, Abdullahi Aliyu; SAN, Sir Stephen Adehi; SAN, T.M. Inuwa; SAN, Alhassan Umar; SAN, Abdulaziz Sani; SAN and S. O. Ibrahim; SAN with Dr. Patricia Obi; Esq, Ayoleke Owolabi; Esq and Thaddeus Idenyi; Esq for the 1<sup>st</sup> Respondent.

Chief Wole Olanipekun; SAN, Emmanuel Ukala; SAN, Tanimol Molajo; SAN, Mike Igbokwe; SAN, Oladipo Okpeseyi; SAN, Chief Yomi Aliyu; SAN, Babatunde Ogala; SAN, Funmilayo Quadri; SAN with Rafiu Balogun; Esq, Michael O. Olanipekun; SAN and Akintola Makinde; Esq for the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents.

Prince L.O. Fagbemi; SAN, Chief Afolabi Fashanu; SAN, Chief Mrs. Olabisi Soyebor; SAN, Solomon Umoh; SAN, Oluseye Opatanya; SAN, Olusola Oke; SAN, Adeniji Kazeem; SAN, Prof. Lawan Yusufari; SAN, Aliyu O Saiki; SAN, Chief Anthony Adeniyi; SAN and Lukman Fagbemi; SAN with Ibrahim Shafii; Esq, Folake Abiodun; Esq and Chuka Iguh; Esq for the 4<sup>th</sup> Respondent.

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**CHAIRMAN**  
**23/6/2023**

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**MEMBER 3**  
**23/6/2023**

**Chief UCHE:** The matter is for continuation of the case for the Petitioners. I will hand over to Eyitayo – Jegede; SAN to conduct the proceedings.

**JEGEDE:** We seek to tender from the Bar, CTCs of Forms EC8As for 25 Local Government Areas of Delta State.

**MAHMOUD:** I yield to Miannaya Essien; SAN to conduct the proceedings.



**ESSIEN:** We object to the admissibility of their documents. We shall give our reasons in our Written Address.

**Chief**

**OLANIPEKUN:** Chief Yomi Aliyu will anchor this segment of the proceedings.

**ALIYU:** We object and will give our reasons later.

**FAGBEMI:** Chief Anthony Adeniyi will anchor this segment of the proceedings on behalf of the 4<sup>th</sup> Respondent.

**ADENIYI:** We object to the admissibility of their documents.

**COURT:** The bundles of CTCs of Forms EC8As from 25 Local Government Areas of Delta State are admitted in evidence. They are to be marked as Exhibits PAW1 – PAW25 respectively.

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**JEGEDE:** We seek to tender from the Bar, CTCs of Forms EC8As in respect of 13 Local Government Areas of Ebonyi State in evidence.

**ESSIEN:** We object to the admissibility for reasons to be advanced later in the course of our proceedings.

**ALIYU:** We also object for reasons to be given in our Written Address.

**ADENIYI:** The 4<sup>th</sup> Respondent also object and will offer reasons at the address stage.

**COURT:** The bundles of CTCs of Forms EC8As from 13 Local Government Aras of Ebonyi State listed in column 17 at pages 6 – 7 of the Petitioners'5<sup>th</sup> Schedule of Documents are admitted in evidence as Exhibit PAX1 – PAX13 respectively.

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**JEGEDE:** We seek to tender the CTCs of Forms EC8As from 18 Local Government Areas of Edo State in evidence.

**ESSIEN:** We object to the admissibility. We shall give our reasons at the address stage.

**ALIYU:** We also oppose the admissibility of the documents for reasons to be given later.

**ADENIYI:** We are objecting. Reasons to be given later.

**COURT:** The bundles of CTCs of Forms EC8As from 18 Local Government Areas of Edo State listed in column 19 at

page 9 of the Petitioners' Schedule of Documents are admitted in evidence as Exhibits PAY1 – PAY18 respectively.

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**JEGEDE:** We seek to tender the CTCs of Forms EC8As from 17 Local Government Areas of Enugu State in evidence.

**ESSIEN:** We object to the admissibility of the documents. Reasons to be advanced later.

**ALIYU:** We also oppose and reasons will be given later.

**ADENIYI:** We register our objection. We shall advance reasons later.

**COURT:** The bundles of CTCs of Forms EC8As from 17 Local Governments of Enugu State listed in column 21 at page 8 of the Petitioners' 5<sup>th</sup> Schedule of Documents are admitted in evidence on Exhibits PAZ1 – PAZ17 respectively.

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**JEGEDE:** We seek to tender from the Barr, the Forms EC8As from 27 Local Government Areas of Imo State in evidence.

**ESSIEN:** The 1<sup>st</sup> Respondent is opposed to the admissibility of their documents. Reasons to be advanced later.

**ALIYU:** We also object. Reasons to be given later.

**ADENIYI:** We object and will proffer reasons later.

**COURT:** The bundles of CTCs of Forms EC8As from 27 Local Government Areas of Imo State listed in column 24 of the Petitioners'5<sup>th</sup> Schedule of Documents are admitted in evidence and are to be marked as Exhibits PBA1 – PBA27 respectively.

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**JEGEDE:** We apply to tender CTCs of Forms EC8A series from 221 Local Government Areas of Kogi State in evidence.

**ESSIEN:** We oppose the admissibility of their documents. We shall give our reasons at the address stage.

**ALIYU:** We also object for reasons to be advanced later.

**ADENIYI:** We register our objection for reasons we shall advance in our address.

**COURT:** The bundles of CTCs of Forms EC8As from 21 Local Governments of Kogi State listed in column 28 at pages 10 – 11 of the Petitioner's Schedule of Documents are admitted in evidence. They are to be marked as Exhibits PBB1 – PBB21 respectively.

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**JEGEDE:** I apply in obedience to paragraph 46(4) of the 1<sup>st</sup> Schedule to deem the documents admitted as having read.

**ESSIEN:** We withhold our consent.

**ALIYU:** The 2<sup>nd</sup> & 3<sup>rd</sup> Respondents do not give any consent.

**ADENIYI:** The 4<sup>th</sup> Respondent also withhold consent.



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**JEGEDE:** At this stage, I yield back to my leader Chief Chris Uche;  
SAN.

**UCHE:** We intend our next witness who is on subpoena.

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**P.W.27:** Christian/sworn on the Holy Bible and speaks English.  
My name is Mike Enahoro – Ebah. I live at N0.8, Nairobi  
Street, Off Aminu Kano Crescent, Wuse 2, Abuja. I am  
a Private Legal Practitioner. I am before this Court to  
testify on a subpoena. I have a copy of the subpoena  
in Court.

**UCHE:** I apply to tender the subpoena in evidence.

**MAHMOUD:** We have no objection.

**OLANIPEKUN:** I yield to E. UKala to handle this aspect of the proceeding.

**UKALA.** We have no objection.

**FAGBEMI:** No objection.

**COURT:** The subpoena duces tecum ad testificandum issued on Micheal Enahoro is admitted as evidence as Exhibit PBC.

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**P.W.27**

**Continue:** I remember the 20/6/23. On that day, I came to this Court and deposed to a witness statement. The document shown to me is my witness statement as it has my signature and name. I seek to adopt my witness statement as my evidence.

**MAHMOUD:** We object to the witness adopting the statement on grounds earlier argued.

**UKALA:** We object on the grounds argued in similar circumstance earlier made.

**FAGBEMI:** We also object on grounds earlier argued in similar circumstances.

**UCHE:** We also adopt our Replies on earlier grounds of similar nature.

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**PW27**

**CONTINUE:** I made reference to certain documents, to unit: paragraphs 11 of my witness statement. They are CTCs of Forms EC9 for the 2<sup>nd</sup> Respondent together with the receipt for the certification including my Application to INEC and the INCE Reply to my Application. Together with the Form EC9 is a certificate supposedly from Chicago State University came on NYSC certificate.

**UCHE:** We seek to tender the Applications to INEC, (2) Pay Receipt from INEC, (3) Form EC9 of Tinubu Bola Ahmed, (4) Chicago State University Certificate and (5) A Certificate of NYSC in the name of Bola Tinubu Adekunle, and (6) Certificate of Service from Mobil oil Nig. Plc in evidence.



**MAHMOUD:** We object to the admissibility of their documents and will give our reasons at the address stage.

**OLANIPEKUN:** On behalf of the 2<sup>nd</sup> Respondent, we object and will advance our reasons in our final address.

**FAGBEMI:** The 3<sup>rd</sup> Respondent objects and shall give reasons later.

**COURT:** The documents tendered are admitted in evidence and they are to be marked as follows: -

1. The Affidavit in Support of the said Particulars (Form EC9) to be marked as Exhibit PBD1.
2. The Certificate of National Service as Exhibit PBD1 (a).
3. Chicago State University as Exhibit PBD1(b);
4. The Certificate of Service issued in the name of Mr. B. A. Tinubu as Exhibit PBD1(c);
5. The Receipt for Payment of CTC of Forms EC13A and C9 to be marked as Exhibit PBD2.
6. The acknowledgment Letter for the Issuance of CTC of Documents in Exhibit PBD2(a).
7. Copies of Applications for Certified True Copies (CTC) of Nomination Forms for Governor dated 13/7/22 and 22/7/22 are to be marked as Exhibits PBD3 and PBD4 respectively.

**SGD.**

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**23/6/2023**

**P.W.27**

**CONTINUE:** I have the Academic Records of Bola Tinubu Ahmed. I made record of it in paragraph 17 of my Witness Statement. They are attached to the Forwarding Letter sent to me by my Counsel in the USA. There is also a subpoena served on the University. They are listed on (a) – (e) in paragraph 17 of my witness statement on oath.

**UCHE:** We apply to tender the documents listed by the witness in paragraphs 15 and 17 of the witness statement.

**MAHMOUD:** We object to the admissibility of the documents and will advance our reasons at the address stage.

**UKALA:** We object to the admissibility of all their documents and will state our reasons in our final address.

**FAGBEMI:** We also object to the admissibility of the documents for reasons to be advanced at the address stage.

**COURT:** The bundle of documents containing;

- (a) A letter from Leavy, Eisenberg & Fraenkel Ltd. To Mr. Enaboro – Ebah dated 01/2022,
- (b) Subpoena in a civil matter,
- (c) Chicago University – Academic Record.
- (d) Certificate from Chicago State University in the name of Bola A. Tinubu;
- (e) Bundle of Transcripts or School records are admitted as Exhibits PBE1 – PBE6 respectively.

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**UCHE:** We seek to tender a notarised judgment for civil forfeiture and a copy of Guinean Passport in evidence.

**MAHMOUD:** We reserve our reasons for objection for final address.

**UKALA:** We are also objecting and will give our reasons later.

**FAGBEMI:** We also object and we will give our reasons later.

**COURT:** The Copy of Notarised judgment of the United State District Court, the Certificate pursuant to Section 84(2) & (4) of the evidence Act, the Affidavit of Nerdisa Muratagic and a photocopy of a Guineenne Passport in the name of Tinubu Bola Ahmed are admitted in evidence as Exhibits PBF1 – PBF4 respectively.

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**UCHE:** I seek that the Exhibits tendered and admitted be deemed as having been read.

**MAHMOUD:** We do not give our consent.

**UKALA:** We do not give our consent.

**FAGBEMI:** We also do not give our consent.

**SGD.**  
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**UCHE:** That is all for the witness in chief.

**CROSS-EXAMINATION**  
**By A.B. MAHMOUD:**

I am a Patriotic Nigerian. On the election day I was in Abuja. I joined other Nigerians to vote on that date. I voted at Gwarimpa Primary School. After voting I left. I was duly accredited and I cast my vote. When I voted, I hoped that my vote would be respected.

The documents tendered through me, were obtained at different times. The forwarding letter of

those documents came on 01/11/22 while the judgment was received in April, 2022 from my Counsel, I am not sure of the date INEC published the final list of candidates I had no cause to lay any compliant to INEC. I do not know that I became very famous when I began my campaign against the 2<sup>nd</sup> Respondent. I did my work as a public interest litigator. I have not spent a lot of money in the cause of my investigation. The counsel in the USA did the work pro bino. There are many other Public Litigation causes in Nigeria. It is not correct that I have taken interest in the candidature of the 2<sup>nd</sup> Respondent.

I have not mentioned any other public Interest Litigation came in my statement. As announced by INEC, my candidate loss the election. It is not a pleasant outcome that my candidate lost the election.

**COURT:** Cross-examination of PW27 will continue at 3.00 p.m.  
witness is therefore stood down for 3.00.p.m.

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**CROSS-EXAMINATION**

**By Chief OLANIPEKUN:**

I have seen the subpoena (Exhibit PBC). I am not the official custodian of the documents I have tendered. It is true that I instituted a direct criminal complaint against the 2<sup>nd</sup> Respondent but not on the same subject matter.

**OLANIPEKUN:**

I seek to tender the complaint between Mike Enahoro- Ebah v. Bola Tinubu Charge No. CR/121/2022 in evidence.

**UCHE:**

I object to the admissibility of the document. I shall give my reasons later.

**COURT:**

The document titled DIRECT CRIMINAL COMPLAINT on case No. CR/121/2022 is hereby admitted in evidence as Exhibit XX1.

**SGD.**

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**CROSS-EXAMINATION**

**Of PW27 Continue:** The proceeding on Exhibit XX1 is now on going because the Chief Magistrate decline. It merely abated as no formal Court order was made. There was no Ruling dismissing or striking out the matter. It was an administrative decision by the Chief Magistrate. I have seen Exhibit PDF3. I downloaded it from the internet. I did not find out from the Guinean Embassy whether the 2<sup>nd</sup> Respondent renounced the Guinean Passport. The Exhibit at the Data page indicates that it expired in 2020.

I did not bother to read through the pleadings of the Petition. I would therefore not know whether what I am testifying on forms part of the petition. I have seen paragraph 146 of the Petition. I have also seen paragraph 146 of the Petition. It hits the Documents to be relied in the Petition.

The judgment of the US District Court is not registered in Nigeria. I am not aware that in answer to any inquiry by the Nigerian Police, the United States consulate Mike to state that the 2<sup>nd</sup> Respondent was never convicted for any offence in the United States. I am aware that Chicago University wrote to say that the 2<sup>nd</sup> Respondent graduated from that University.

**OLANIPEKUN:** I seek to tender the Letter from the Chicago University in evidence.

**UCHE:** We object to the admissibility and will advance our reasons subsequently.

**PINHEIRO:** No objection.

**FAGBEMI:** No objection.

**COURT:** The letter from Chicago State University titled "To whom it may concern" dated 27/6/2022 is admitted in evidence. It is to be marked as Exhibit XX2.

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**CROSS-EXAMINATION  
By OLANIPEKUN:**

There are differences between criminal and civil forfeiture in the United States. I have seen Exhibit PBF1. By the Exhibit there was no criminal trial. I would not want anyone to scandalise me.

**CROSS-EXAMINATION**

**By FAGBEMI:** I have seen Exhibit PBF1. I agree that Chicago State University is a public Institution established in 1867. Exhibit PBF1 does not contain a certificate under the hand of a Police Officer in the United States. It does not contain the picture or finger print.

I have seen Exhibit PBE5. Those documents. There is no certification because they do not require certification. I have seen paragraph 146 of the Petition. I am not a member of APC. I am a member of the Obedient Movement of the Labour Party.

**RE-EXAMINATION:** None.

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**Chief UCHE:** At this point in time, we wish to inform the Court that this is our last witness. We therefore pursuant to paragraph 46 (5) of the First Schedule to the Electoral Act apply to close the case for the Petitioners.



**PINHEIRO:** We plead with the Court to permit the 1<sup>st</sup> Respondent to open their case after the Sallah Break.

**OLANIPEKUN:** Counsel for all the parties had met and agreed that the Respondents will open their case on 3/7/23. We hope to start open and close our cases that week.

**FAGBEMI:** I confirm that we had that understanding.

**UCHE:** In the spirit of cooperation we have so agreed.

**COURT:** Petition is adjourned to the 3/7/23 for Defence at 2.00p.m.

**SGD.  
H. S. TSAMMANI  
CHAIRMAN  
23/6/2023**

**SGD.  
M. O. BOLAJI-YUSUFF  
MEMBER 2  
23/6/2023**

**SGD.  
S. J. ADAH  
MEMBER 1  
23/6/2023**

**SGD.  
A.B. MOHAMMED  
MEMBER 4  
23/6/2023**

**SGD.  
M. B. UGO  
MEMBER 3  
23/6/2023**